



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20590
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/007,326	12/05/2001	Jack R. Kelly	COAD-004 01US

23419
COOLEY GODWARD, LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306



CONFIRMATION NO. 2028

FORMALITIES LETTER



0C000000007655224

Date Mailed: 03/18/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$144.
 - **\$144** for **16** total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 579.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

1/11 Received

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



5-3-02
EL5140321 US

1171

Attorney Docket No.: **CO-14-D-00448** US

PATENT

Express Mail Label Number:

EL514032130US

Date of Deposit:

30 April 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.

Date:

30 April 2002

By:

Vladimir Skliba

Vladimir Skliba

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jack R. KELLY, et al.

Serial No.: 10/007.326

Examiner: Not yet assigned

Confirmation No.: 2028

Art Unit: 2874

Filed: December 5, 2001

For: **APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES**

Box Missing Parts

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 C.F.R. § 1.53(b) mailed on March 18, 2002, enclosed are:

- ☒ [X] Copy of the Notice to File Missing Parts of Application;
- ☒ [X] Executed Declaration;
- ☒ [X] Power to Prosecute;
- ☒ [X] Assertion of Entitlement to Small Entity Status;
- ☒ [X] 13 Sheets of Formal Drawings, containing Figures 1 to 11;
- ☒ [X] IDS Disclosure Statement Transmittal and IDS Disclosure Statement Under C.F.R. §1.97(b); and
- ☒ [X] Other: Return postcard

and the payment of the following fee(s):

- ☒ Filing fee of \$514.00
- ☒ Surcharge fee for Late Filing of Declaration of \$65.00
- ☐ Other fees:

Total Fee due: **\$579.00.**

☒ Check in the amount of \$579.00 for the total fee is attached.

☐ Please charge \$___ to Deposit Account No. 03-3117 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Dated: April 20, 2004

Respectfully submitted,
COOLEY GODWARD LLP

Cooley Godward LLP
ATTN: Patent Group
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WSG:dm

By: _____

William S. Galliani
Reg. No. 33,885

Attorney Docket No: COAD-004/01US

PATENT

Applicant: Jack R. KELLY, et al.

Serial No.: 10/007,326

Filed: December 5, 2001



For: APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below;
☒ an official of the small business concern empowered to act on behalf of
the concern identified below:

Name of Small Business Concern: **Coadna Photonics, Inc.**
Address of Small Business Concern **90 Great Oaks Boulevard, Suite 203
San Jose, California 95119**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled and described in:

- ☐ the specification filed herewith;
☒ the application identified above; or
☐ the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

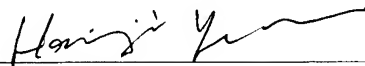
Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature



Date

4/1/02

Name of Person Signing

Haiji J. Yuan

Title of person other than owner

President & CEO

Address of person signing

**90 Great Oaks Boulevard, Suite 203
San Jose, California 95119**